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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 January 1991]

THE HUMAN RIGHTS SITUATION IN IRAN

1. Mass executions after unfair trials, arbitrary arrests, including detentions of prisoners of conscience, and torture continue in Iran. Substantive measures to introduce basic safeguards for the protection of human rights have not been implemented.

2. The interim report of the United Nations Special Representative on Iran submitted to the General Assembly in November 1990 (A/45/697) and the recent, major report issued by Amnesty International, Iran: Violations of Human Rights 1987-1990, prompted the Iranian authorities to issue a number of statements defending their human rights record. For example, speaking in Tehran on 7 December 1990, the Chief Justice, Ayatollah Yazdi, is reported to have said that not a single prisoner was jailed in Iran because of his views, and that all current inmates were charged with crimes committed against the Government. He went on to say that prisoners in Iran were not detained for having written or signed letters addressed to the country's officials.

However, Ayatolla Yazdi and other Iranian officials have signally failed to provide any legal reason for the continued detention of at least 16 prisoners of conscience detained in June 1990, apparently for lending their support to an open letter criticizing the failure of the Government to uphold rights and freedoms provided for in the Iranian Constitution. These prisoners, many of whom were ministers in Mehdi Bazargan's short-lived 1979 transitional Government and distinguished figures in Iranian public life, have not been formally charged with any offence although the authorities have alleged that they acted in the interests of foreign governments. Some are reported to have been subjected to beatings and psychological torture in an attempt to force them to confess to counter-revolutionary activities and conspiracy with foreign powers. There has been no response to Amnesty International's request of August 1990 to send a delegate to observe their trial, the date of which appears not yet to have been set. Amnesty International finds unconvincing, therefore, the claims by the authorities that no one is imprisoned for expressing their views.

3. The President of the Supreme Court, Hojatoleslam Moghtadaie, is reported to have told the United Nations Special Representative in October 1990 that:

> "Under Iranian law, a defence lawyer was necessary and mandatory and both the accused and the lawyer were given certain facilities. When the accused had not had a lawyer, the Supreme Court revoked the sentence." (Para. 187, A/45/697).

4. Recent press reports have suggested that a new law providing for legal representation for defendants before all types of court has been passed by the Iranian parliament. However, Amnesty International is not aware of a single case in which political prisoners have been granted access to legal counsel at any stage of their imprisonment. A group of approximately 100 women prisoners of conscience imprisoned sice 1983 have never had access to lawyers, despite the fact that many of them have been sentenced to long prison terms at court hearings. The Supreme Court has not revoked the sentences in these or in any other cases known to Amnesty International. The organization looks forward to the rapid implementation of the new law, and calls for all political prisoners held after unfair trials to be given a fair re-trial or else released.

5. Many prisoners of conscience, held for many years without trial, or after unfair trials before Islamic Revolutionary Courts, remain in prison. Over 50 women political prisoners remain in Evin prison, although they have already completed their prison sentences. The authorities have apparently refused to release them until they agree to recant their political beliefs.

6. Another group of approximately 50 women prisoners from left-wing political groups were temporarily released from prison in August 1990, but almost all of them were returned to prison within two to three months. These women prisoners have never "confessed" to any crime despite years of persistent torture and ill-treatment. Many of them have sustained injuries, such as broken bones in the feet, as a result of torture. Held for years in pre-trial detention, most were subsequently sentenced to prison terms after summary trials. Their long-term pre-trial imprisonment was not subtracted from their prison terms.

7. Reports from within Evin prison indicate that the treatment of political prisoners connected with the People's Mojahedine Organization of Iran is even more harsh than that suffered by those from the left-wing groups.

8. There continue to be reports of new arrests of Government critics and opponents. Hundreds of people were arrested in the course of demonstrations against Government policies in various parts of the country during 1990. It is not known how many of these people remain in detention. There were also reports of unrest in Kurdistan and Baluchistan where movements calling for greater regional autonomy have clashed with security forces. Hundreds of people are believed to have been detained as a result of these long-running conflicts, and there are reports of torture and execution of supporters of such organizations as the Kurdish Democratic Party of Iran, Komala and the Baluchi National Movement. In Baluchistan a clamp down on Baluchi nationalists appears to have been coupled with the continuing campaign against drug-trafficking, blurring distinctions between prisoners detained for political activities and those arrested for participation in illegal smuggling activities.

9. Amnesty International also continues to receive reports of the harassment and detention of relatives of Iranians who have sought refuge from persecution in Iran by leaving the country. This is apparently done in order to put pressure on political refugees to return to Iran.

10. The absence of judicial or other supervision over the detention process means that many detainees have effectively "disappeared". Thousands of relatives of political prisoners executed during the massacre which took place in the second half of 1988 have never been officially informed of their fate. Supporters of such organizations as the People's Mojahedine Organization of Iran continue to be arrested and then "disappear" without trace; no public court hearings are held, and no access to detainees is permitted to relatives or others so that it is impossible to know whether they are alive or dead.

11. Executions continue on a massive scale. Amnesty International recorded over 700 executions in 1990. Over 400 of these were of people killed as part of the Government's anti-drug-trafficking campaign in which thousands have been killed after summary trials. The Iranian authorities have not yet responded to a series of cases raised by Amnesty International in which named political prisoners were believed to be among those executed ostensibly as drug-traffickers.

12. On 3 December 1990, a 55-year-old Christian pastor, Reverend Hossein Soodmand, was executed in Mashhad. He had converted to Christianity from Islam some 20 years ago and became a practising minister in the Church of the Assembly of God two years ago. It appears that Reverend Soodmand was executed on charges of apostasy, punishable by death under Iran's Penal Code. His family were not informed of his situation until after his execution, and it is not known whether any trial proceedings preceded his execution.

13. Article 6 of the International Covenant on Civil and Political Rights, to which Iran is party, requires those countries in which the death penalty is still in force not to contravene the Covenant in its use. Trials before Islamic Revolutionary Courts, responsible for hearing drug-trafficking cases, fall far short of the requirements of article 14 of the Covenant; in

particular, the right to be presumed innocent is not respected and defendants are often not given adequate time or facilities to prepare defence, as sentences are imposed and carried out within days of arrest.

14. Amnesty International welcomed steps taken by the Iranian authorities in the course of 1990 to co-operate with the United Nations Commission on Human Rights. It also welcomed undertakings given to the United Nations Special Representative in November 1990 that the International Committee of the Red Cross would be permitted access to political prisoners in Iran and looks forward to the swift implementation of this undertaking. However, the organization remains gravely concerned that this co-operation should not be allowed to obscure continuing gross violations of human rights in Iran and a persistent failure on the part of the Government to implement effective human rights safeguards. Iran's second periodic report to the Human Rights Committee has been overdue since 21 March 1983. The Government continues to deny access to Iran to independent non-governmental human rights organizations or to permit the functioning of independent domestic human rights groups. The Government seeks to evade its responsibilities, which include the effective implementation of safeguards provided under Iranian legislation, by issuing unconvincing denials rather than applying itself to the difficult task of reform.

15. Amnesty International hopes that international pressure for an improvement in the human rights situation in Iran may be beginning to bring some positive results. However, grave human rights violations persist. Until verifiable evidence of a lasting improvement in the observance of human rights becomes apparent, the Commission on Human Rights should maintain its scrutiny of the situation in Iran.

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